

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

STEVE SLAVENS, FRANK SLAVENS )  
and KEVIN LEVY, individually and as )  
representatives of a class of participants and )  
beneficiaries on behalf of the Meritor )  
401(k) Plan, )

Plaintiffs,

V.

MERITOR INC., the BOARD OF )  
DIRECTORS OF MERITOR, INC., the )  
MERITOR, INC. EMPLOYEE BENEFITS )  
COMMITTEE, MIKE LEI, TIMOTHY )  
HEFFRON, and JOHN DOES 1-30, )

Defendants.

Case No. 2:20-cv-13047

Hon. Stephen J. Murphy, III

Mag. Anthony P. Patti

**STIPULATION AND JOINT MOTION TO REOPEN CASE FOR  
PURPOSES OF SETTLEMENT APPROVAL PROCEEDINGS AND TO  
PERMIT PLAINTIFFS TO FILE PETITION FOR PRELIMINARY  
APPROVAL OF A CLASS ACTION SETTLEMENT, AND NECESSARY  
RELATED FILINGS, ON OR BEFORE OCTOBER 28, 2021**

Plaintiffs Steve Slavens, Frank Slavens, and Kevin Levy (“Plaintiffs”) and Defendants Meritor Inc., the Board of Directors of Meritor, Inc., the Meritor Inc. Employee Benefits Committee, Mike Lei, and Timothy Heffron (“Defendants”) hereby stipulate and jointly move the Court (1) to reopen the case for settlement approval purposes, and (2) to permit Plaintiffs to file a Petition for Preliminary

Approval of a Class Action Settlement, and necessary related filings, on or before October 28, 2021. In support, the parties state as follows:

1. On November 13, 2020, Plaintiffs filed a Class Action Complaint (“Original Complaint”) in the above-captioned matter, asserting claims for breach of fiduciary during under the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1104(a), 1132(a)(2)-(3), in connection with Defendants’ alleged mismanagement of the Meritor Savings Plan (“Plan”). ECF No. 1.

2. Before service of the Original Complaint, Defendants sent Plaintiffs a letter identifying allegations in the Original Complaint that Defendants believed were unsupported, attaching 44 documents in support of these points, and asking that Plaintiffs withdraw the Original Complaint.

3. On April 16, 2021, after reviewing Defendants’ letter and documents, Plaintiffs filed the First Amended Complaint, which added allegations concerning excessive costs for recordkeeping and other administrative services. ECF No. 10.

4. After analyzing the First Amended Complaint, Defendants served on Plaintiffs a letter identifying six allegations in the First Amended Complaint that Defendants believed were asserted in violation of Fed. R. Civ. P. 11(b)(2)-(3), and demanding that Plaintiffs take corrective action.

5. Although Plaintiffs denied that any allegations in the First Amended Complaint violated Fed. R. Civ. P. 11(b)(2)-(3), pursuant to a Stipulation and Joint

Motion filed by the parties on June 15, 2021 (ECF No. 14), which was approved by the Court by Case Management Order entered on June 17, 2021 (ECF No. 18), Plaintiffs filed the Second Amended Class Action Complaint. ECF No. 19.

6. By Order entered on August 11, 2021, the Court granted the parties' Joint Motion for Extension of Time to File Response/Reply to Second Amended Complaint (ECF No. 22), and set a deadline of September 15, 2021 for Defendants response.

7. On August 25, 2021, Plaintiffs emailed a letter to the Court's chambers advising that the parties had reached an agreement in principle that would fully resolve this litigation on a class basis.

8. In response to this letter, on August 26, 2021, the Court entered an Order dismissing the case without prejudice and requiring the parties to file "closing documents to dismiss the case with prejudice no later than October 28, 2021." ECF No. 23.

9. The parties hereby move the Court to reopen the case for purposes of conducting the Rule 23 settlement approval process. Because the proposed settlement is a class settlement, Fed. R. Civ. P. 23(e) requires Plaintiffs, *inter alia*, to move for preliminary approval from the Court, to issue notice of the settlement to the proposed settlement class, and for the Court to conduct a final hearing to

determine whether the proposed settlement is “fair, reasonable, and adequate....”  
Fed. R. Civ. P. 23(e)(2).

10. The parties request that the Court allow Plaintiffs to file preliminary approval papers on October 28, 2021.

WHEREFORE, the parties to the above-captioned action stipulate and agree that the Court should (1) reopen the case for purposes of conducting the Rule 23 settlement approval process, and (2) permit Plaintiffs to file a Petition for Preliminary Approval of a Class Action Settlement, and other necessary related filings, on or before **October 28, 2021**.

**STIPULATED TO AND APPROVED BY:**

DATED: August 26, 2021

By: s/ David H. Fink  
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Nathan J. Fink (P75185)  
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*Counsel for Plaintiffs*

DATED: August 26, 2021

By: s/ Christopher J. Boran (with consent)

Christopher J. Boran

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 26, 2021, I electronically filed the foregoing paper with the Clerk of the court using the ECF system, which will send notification of such filing to all counsel of record registered for electronic filing.

**FINK BRESSACK**

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